

REMARKS

This is intended as a full and complete response to the Office Action dated August 31, 2006, having a shortened statutory period for response set to expire on November 30, 2006. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, paragraph [0003] has been amended to correct minor editorial problems.

Claims 1-31 are pending in the application. Claims 1-5, 7-8, 13-16 20-25, and 27-28 remain pending following entry of this response. Claims 6, 9-12, 17-19, 26, and 29-31 have been cancelled. Claims 1, 12, and 20 have been amended. Applicant submits that the amendments do not introduce new matter.

Claim Rejections - 35 U.S.C. § 112

Claims 6 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has canceled claims 6 and 26, and therefore the rejection is moot. Withdrawal of the rejection is respectfully requested.

Claim Rejections 35 U.S.C. § 102 / 103

Claims 1-5, 7, 8, and 13-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Hayashi et al.* (W099/20674, hereinafter *Hayashi*). Applicant, as the Examiner in the Office Action, respectfully refers to the English translation of the cited document, US Patent No. 6,599,954. Applicant respectfully responds.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9

USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Hayashi* does not disclose “each and every element as set forth in the claim”. For example, *Hayashi* does not disclose that the thermal initiator is a quaternary ammonium hexafluoroantimonite. Furthermore, selecting a quaternary ammonium hexafluoroantimonite as the thermal initiator is not an obvious selection, as *Hayashi* discloses that the thermopolymerization initiator comprises at least one sulfonium salt (column 5, lines 49 – 53).

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 20-25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bayer et al.* (USPN 6,200,408, hereinafter *Bayer*). Applicant respectfully responds.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

In this case, *Bayer* does not teach, show, or suggest all the claim limitations. For example, *Bayer* does not disclose that the thermal initiator is a quaternary ammonium hexafluoroantimonite. Furthermore, selecting a quaternary ammonium hexafluoroantimonite as the thermal initiator is not an obvious selection, as *Bayer* discloses that the thermopolymerization initiator is preferably a thiolanium salt (column 4, line 65 – column 5, line 14).

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)